

REMARKS/ARGUMENTS

Applicants submit this Amendment After Final (“Amendment”), together with a Petition for Extension of Time, in reply to the Final Office Action (“Office Action”) mailed April 14, 2004.

In this Amendment, Applicants propose to amend the specification. Applicants also propose to cancel, without prejudice or disclaimer, claims 29-45 and 56. Additionally, Applicants propose to amend claim 46 to place it in independent form and to better define the claimed invention, to amend claims 47-49 and 53-55 to make them depend from claim 46, and to add new claims 57 and 58.

Before entry of this Amendment, claims 29-56 were pending in this application. After entry of this Amendment, claims 46-55, 57, and 58 are pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the proposed amendments to the specification and claims 46-49 and 53-55 and the proposed addition of new claims 57 and 58. No new matter was introduced.

In the Office Action, the Examiner rejected claims 29-31, 33-39, 49, 53, and 54 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,580,404 to Hitzky (“Hitzky”); rejected claims 32 and 40-42 under 35 U.S.C. § 103(a) as being unpatentable over Hitzky in view of U.S. Patent No. 4,649,975 to Kogure et al. (“Kogure”); rejected claim 43 under 35 U.S.C. § 103(a) as being unpatentable over Hitzky in view of by Japanese Patent Application No. 01-101,204 (“JP ’204”); rejected claims 44, 45, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Hitzky in view of U.S. Patent No. 5,308,416 to Baumhöfer et al. (“Baumhöfer”); rejected claim 46 under 35 U.S.C. § 103(a) as being unpatentable over Hitzky in

view of European Patent Application No. 0,485,884 ("EP '884"); rejected claims 47, 50, 52, 55, and 56 under 35 U.S.C. § 103(a) as being unpatentable over Hitzky; rejected claims 51 and 53 under 35 U.S.C. § 103(a) as being unpatentable over Hitzky in view of European Patent Application No. 0,627,332 ("EP '332"); rejected claims 29-42, 44, 45, 47, 49, 50, and 52-56 under 35 U.S.C. § 103(a) as being unpatentable over International Publication No. WO 99/017,944 (WO '944) in view of U.S. Patent No. 5,088,536 to Graas et al. ("Graas") and Baumhöfer; and rejected claims 48 and 51 under 35 U.S.C. § 103(a) as being unpatentable over WO '944 in view of Graas and Baumhöfer, and further in view of U.S. Patent No. 5,526,860 to Minami ("Minami").

Additionally, the Examiner stated that claims 43 and 46 would be allowable if:

(1) rewritten in independent form including all the limitations of the base claim and any intervening claims; and (2) amended to include the subject matter disclosed at page 15, lines 12-13 ("[c]onveniently the width and depth of transversal notch 31 correspond to those of oblique grooves 23 of blocks 22").

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's statement that claims 43 and 46 would be allowable if rewritten.

Benefit of Prior-Filed Provisional Application

In the Preliminary Amendment filed with the application on July 31, 2001, Applicants claimed the benefit under 35 U.S.C. § 119(e) based on prior-filed, copending provisional application No. 60/187,384, filed March 7, 2000, in the U.S. Patent and Trademark Office

("USPTO"). However, the Office Action Summary forms (PTOL-326) for the Office Actions mailed September 25, 2003, and April 14, 2004, do not appear to acknowledge this claim.

Applicants respectfully request that the Examiner expressly acknowledge Applicants' claim to the benefit of the provisional application in the next paper mailed from the USPTO.

Drawings

The drawing corrections include two (2) Replacement Sheets (Figs. 1 and 2) and two (2) Annotated Marked-up Drawings (Figs. 1 and 2). The drawing corrections extend four lead lines in Fig. 1, shorten one lead line in Fig. 1, and add two reference characters and associated lead lines in Fig. 2.

35 U.S.C. § 102(b) Rejections

Applicants submit that the proposed cancellation, without prejudice or disclaimer, of claims 29-45 and 56 obviates the Examiner's rejections of any of those claims under 35 U.S.C. § 102(b).

35 U.S.C. § 103(a) Rejections

Applicants submit that the proposed cancellation, without prejudice or disclaimer, of claims 29-45 and 56 obviates the Examiner's rejections of any of those claims under 35 U.S.C. § 103(a).

Subject Matter Disclosed At Page 15, Lines 12-13

The subject matter disclosed at page 15, lines 12-13, reads: "[c]onveniently the width and depth of transversal notch 31 correspond to those of oblique grooves 23 of blocks 22." In the Office Action, the Examiner admits that this statement discloses "the transverse notch 31 and the oblique grooves [23] have substantially the same width." (Office Action, section 12,

pages 8-9). Applicants acknowledge that it discloses that much, but submit it also discloses much more. Applicants submit it discloses that, like oblique grooves 23, transversal notches 31 also have a width of between 2 mm and 7 mm and a depth of between 6 mm and 8 mm.

First, Applicants note that this interpretation is consistent with the disclosure at page 11, lines 6-8, and page 15, lines 12-13. Second, upon information and belief, this is the interpretation that was intended by the Applicants when the application was filed. Third, Applicants note that although Fig. 5 shows transversal notches 31 and oblique grooves 23 having a substantially constant width that is substantially the same, Figs. 2 and 3 show transversal notches 31 and oblique grooves 23 having widths that vary over a similar range.

Claim 46

In this Amendment, Applicants propose to rewrite claim 46 in independent form including the limitations of claims 29 and 38. Additionally, consistent with the immediately preceding discussion, Applicants propose to amend claim 46 to recite “wherein the first transverse notches have a width between 2 mm and 7 mm” and “wherein the transverse grooves delimiting the blocks of the central rows have a width between 2 mm and 7 mm.”

Applicants submit that independent claim 46 is not anticipated by Baumhöfer, Graas, Hitzky, Kogure, Minami, WO '944, EP '332, EP '884, JP '204, and the other art of record under 35 U.S.C. § 102(b) at least for reasons similar to those articulated by the Examiner in the Office Action. Further, Applicants submit that independent claim 46 is not unpatentable over Baumhöfer, Graas, Hitzky, Kogure, Minami, WO '944, EP '332, EP '884, JP '204, and the other art of record under 35 U.S.C. § 103(a) at least for reasons similar to those articulated by the Examiner in the Office Action.

Dependent Claims 47-55 and 57

Applicants submit that dependent claims 47-55 are not anticipated and not unpatentable over the cited references at least due to the direct or indirect dependency of claims 47-55 from allowable claim 46. Similarly, Applicants submit that new dependent claim 57 is not anticipated and not unpatentable over the cited references at least due to its direct dependency from claim 46.

Independent Claim 58

Applicants submit that new independent claim 58 is not anticipated by Baumhöfer, Graas, Hitzky, Kogure, Minami, WO '944, EP '332, EP '884, JP '204, and the other art of record under 35 U.S.C. § 102(b) at least for reasons similar to those articulated by the Examiner in the Office Action regarding claim 46. Further, Applicants submit that independent claim 58 is not unpatentable over Baumhöfer, Graas, Hitzky, Kogure, Minami, WO '944, EP '332, EP '884, JP '204, and the other art of record under 35 U.S.C. § 103(a) at least for reasons similar to those articulated by the Examiner in the Office Action regarding claim 46.

Claim Scope

In discussing the specification, claims, abstract, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In summary, Applicants submit that none of the cited references, including Baumhöfer, Graas, Hitzky, Kogure, Minami, WO '944, EP '332, EP '884, JP '204, and the other art of record, either alone or in any proper combination, teaches or suggests Applicants' claimed invention.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 46-55, 57, and 58 in condition for allowance. Applicants submit that the proposed amendments to claims 46-49 and 53-55 and the proposed addition of new claims 57 and 58 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, because all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

It is respectfully submitted that the entering of this Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claim.

In view of the foregoing amendments and remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of this application, and the timely allowance of the pending claim.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.



Dated: September 13, 2004

By: _____
Lawrence F. Galvin
Reg. No. 44,694